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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,076	05/19/2000	David B. Kinder	INTL-0367-US(P8586)	1607

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EXAMINER
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VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/28/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/575,076

Applicant(s)

KINDER ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21, 23, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 22, 24 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21, 23, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hidary et al. (US 5,774,664 A).

Regarding claim 1, Hidary discloses a method comprising: sending scheduling information (sending scheduling information, e.g., "link file", for prescheduling URLs) to a web site hosting facility (server 90 – see figure 4) about when a uniform resource locator will be transmitted (see col. 5, line 50 to col. 6, line 14); and transmitting television programming (transmitting video program to user sites – see col. 5, lines 1-5).

Regarding claim 2, Hidary discloses that the uniform resource locators are encoded into the video for transmitting (see col. 4, line 40 to col. 5, line 5 and lines 34-37).

Regarding claim 3, Hidary discloses sending scheduling information, e.g., link file, with video. It is noted that the records in the link file specify the time, URL, label, and some additional information, for each web page the broadcaster desires to launch during a show (see abstract; col. 6, lines 14-25).

Regarding claim 4, Hidary discloses transmitting the video with embedded URLs over a transport, e.g., satellite, cable, television broadcast, or Internet; and transmitting scheduling information over Internet (see col. 5, lines 1-5; col. 5, line 55 to col. 6, line 12).

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Regarding claim 5, Hidary discloses pre-scheduling URLs for transmitting to the user at a different time than the video transmitting (see col. 5, lines 58-65; col. 6, lines 26-31).

Regarding claims 6 and 7, Hidary discloses transmitting scheduling information over Internet transport and transmitting video over broadcast transport (see col. 5, lines 1-6 and 58-62).

Regarding claim 8, Hidary discloses that the uniform resource locators are encoded into the video for transmitting (see col. 4, line 40 to col. 5, line 5 and lines 34-37).

Regarding claim 9, Hidary discloses automatically transmitting the scheduling information to web site hosting facility (90) after pre-scheduling URLs by broadcaster (see col. 5, lines 55-62).

Regarding claim 10, Hidary discloses transmitting scheduling information to the web site hosting facility (90) via database (78), or directly from Internet web site (62) (see figure 4; col. 5, lines 50-65; col. 6, lines 26-41).

Regarding claim 11, Hidary discloses an article comprising a medium storing instructions (software) that cause a processor-based system (e.g., computer) to sending scheduling information (sending scheduling information, e.g., "link file", for prescheduling URLs) to a web site hosting facility (server 90 – see figure 4) about when a uniform resource locator will be transmitted (see col. 5, line 50 to col. 6, line 14); and transmitting television programming (transmitting video program to user sites – see col. 5, lines 1-5).

Regarding claim 12, Hidary discloses that the uniform resource locators are encoded into the video for transmitting (see col. 4, line 40 to col. 5, line 5 and lines 34-37).

Regarding claim 13, Hidary discloses sending scheduling information, e.g., link file, with video. It is noted that the records in the link file specify the time, URL, label, and some additional

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information, for each web page the broadcaster desires to launch during a show (see abstract; col. 6, lines 14-25).

Regarding claim 14, Hidary discloses transmitting the video with embedded URLs over a transport, e.g., satellite, cable, television broadcast, or Internet; and transmitting scheduling information over Internet (see col. 5, lines 1-5; col. 5, line 55 to col. 6, line 12).

Regarding claim 15, Hidary discloses pre-scheduling URLs for transmitting to the user at a different time than the video transmitting (see col. 5, lines 58-65; col. 6, lines 26-31).

Regarding claims 16 and 17, Hidary discloses transmitting scheduling information over Internet transport and transmitting video over broadcast transport (see col. 5, lines 1-6 and 58-62).

Regarding claim 18, Hidary discloses that the uniform resource locators are encoded into the video for transmitting (see col. 4, line 40 to col. 5, line 5 and lines 34-37).

Regarding claim 19, Hidary discloses automatically transmitting the scheduling information to web site hosting facility (90) after pre-scheduling URLs by broadcaster (see col. 5, lines 55-62).

Regarding claim 20, Hidary discloses transmitting scheduling information to the web site hosting facility (90) via database (78), or directly from Internet web site (62) (see figure 4; col. 5, lines 50-65; col. 6, lines 26-41).

Regarding claim 21, Hidary discloses a system (see figure 4) comprising: a video distribution device (110); a transport (86) coupled to the video distribution device that distributes video to a plurality of receivers (114 and 16); and storage (computer 70) coupled to the device (110), the storage storing instructions (software) that cause the device to send scheduling information to a web site hosting facility (90) about when a uniform resource locator will be

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transmitted with the video (computer 70 provides a graphical user interface for pre-scheduling URLs for transmission to users 118 with the video (see figure 4; col. 5, line 50 to col. 6, line 14; col. 5, lines 1-6).

Regarding claim 23, Hidary discloses two transports (e.g., Internet and broadcast) coupled between the video distribution device (110) and the web site hosting facility (90) (see figure 4).

Regarding claim 25, Hidary discloses video distribution device broadcasts video for distribution to the plurality of receives (see col. 5, lines 1-5).

Regarding claim 26, Hidary discloses that the uniform resource locators are encoded into the video for transmitting (see col. 4, line 40 to col. 5, line 5 and lines 34-37).

***Allowable Subject Matter***

3. Claims 22, 24 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record discloses a system for providing video programming with information resources of the Internet included URLs embedded in the video program or directly transmitted through an Internet connection, at times specified by TV broadcasters in advance.

The prior art of record fails to anticipate or render the following limitations obvious:

"...instructions stored in said storage cause said device to automatically notify said web site hosting facility over the Internet before video which includes a uniform resource locator is distributed to said receivers" as recited in claim 22, "...instructions stored in said storage cause said video distribution device to automatically notify the web site hosting facility over two different transports when a uniform resource locator will be transmitted with said video

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distributed to said receivers" as recited in claim 24, "instructions stored on the storage cause said scheduling information to be transmitted to said web hosting facility sufficiently before said video containing said uniform resource locator is distributed to said receiver to enable the web hosting facility to prepare for an increased access load" as recited in claim 27.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wu et al (US 6, 326,982 B1) discloses a method and apparatus for automatically accessing web pages based on television programming information.

Zigmond et al. (US 6,330,719 B1) discloses an interactive television receiver unit browser that waits to send requests.

Kusaba et al. (US 6,510,556 B1) discloses a video distribution apparatus for storing video data and distributing it to a viewer has a memory for video data and a schedule table for holding a distribution schedule of the stored video data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Examiner  
Art Unit 2611

April 26, 2004